

UNDER

the Resource Management Act 1991
("RMA")

IN THE MATTER

of the Proposed Waikato District
Plan: Hearing 25 – Zone Extents.

**REBUTTAL EVIDENCE OF CAMERON WALLACE ON BEHALF
OF KĀINGA ORA-HOMES AND COMMUNITIES**

URBAN DESIGN

3 May 2020

**ELLIS GOULD
LAWYERS
AUCKLAND**

**REF: Douglas Allan / Alex
Devine**

**Level 17 Vero Centre
48 Shortland Street, Auckland
Tel: 09 307 2172 / Fax: 09 358 5215
PO Box 1509
DX CP22003
AUCKLAND**

1. INTRODUCTION

1.1 My full name is Cameron Wallace. I am an Associate Urban Designer at Barker and Associates (“**B&A**”). I am providing urban design rebuttal evidence on behalf of Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) (formerly Housing New Zealand Corporation) in relation to the submissions it made on the Proposed Waikato District Plan (“**PDP**” or “**Plan**”) insofar as they relate to this hearing.

1.2 This rebuttal evidence relates to the following s42A reports filed by Council:

- (a) FUZ, MDRZ Part II
- (b) Tuakau
- (c) Pokeno
- (d) Te Kauwhata
- (e) Huntly
- (f) Raglan

1.3 I confirm that I have the qualifications and expertise previously set out in my primary evidence for Topic 25.¹

1.4 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court’s Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

¹ See paragraphs 2.1-2.6, Primary Urban Design Evidence for Kāinga Ora on Hearing Topic 25 dated 12 February 2021

2. FUZ, MDRZ Part II

- 2.1 The primary submission from Kāinga Ora sought the inclusion of a new MDRZ with associated objectives, policies, rules and assessment criteria and located around key centres of existing urban townships across the District.

Qualitative Assessment for more than 3 dwellings

- 2.2 Paragraphs 110 – 118 of the s42a report cover the proposed reliance on the use of a qualitative assessment for proposals involving four or more dwellings. Mr Clease appears to express some reservations about this approach noting in paragraphs 112 - 114 that whilst “superficially attractive” he considers it will have limited impact in ensuring positive outcomes for schemes which otherwise comply with built form rules. I would note that a qualitative assessment approach is not uncommon across New Zealand and I have familiarity with similar methods in Nelson, Palmerston North, and Auckland. I would also note that the Auckland Unitary Plan only requires compliance with three core standards (height, height-in-relation-to-boundary and yards) for four-or-more dwellings in their more intensive residential zones with the application almost entirely reliant on a qualitative assessment. In my experience, which includes acting as an urban design consultant to Auckland Council in assessing development proposals, a qualitative assessment process (provided sufficient clarity is provided through objectives, policies and matters of discretion) supported by a handful of development controls is a robust method for ensuring positive built-form outcomes.
- 2.3 Overall, I consider utilising a qualitative assessment process (via matters of discretion or assessment criteria) is a more effective mechanism as it enables innovation, flexibility and efficiency in building and site configuration in response to the unique characteristics of any given site and the need to increase housing supply. This is by identifying outcomes sought rather than prescribing the physical parameters for achieving that. In contrast, development controls (generally by necessity and practicality) are devised for a flat, unencumbered and regularly shaped site which rarely exist in a real-

world scenario. In essence they create a 'one size fits all' approach which are expected to be applied across a site regardless of context. Further, in my opinion, the use of a qualitative assessment process allows for a more considered assessment around issues like amenity or a quality built-form which cannot be easily quantified into a rigid control.

Scenario Testing of Rules Package

2.4 Paragraphs 122 – 132 of the FUZ, MDRZ Part II Report provides an analysis of the rules package put forward by Kāinga Ora with reference to some additional 3d modelling inputs included as Appendix 2 to the s42a report. I have reviewed this modelling and have undertaken some additional 3d modelling in line with Mr Moen-Compton's work on Scenario B (see **Appendix 1**). My observations based on Mr Moen-Compton's modelling include:

- (a) Scenario A provides a fair representation of what could be enable on-site as a permitted activity in theory. However, as noted in paragraph 5.7(f) of my primary evidence the development economics / feasibility of the scenario proposed means it is unlikely to be competitive in price or quality with either new greenfield development or existing housing stock in these settlements with a build cost alone of approximately \$500k. A quick review of recent sales data in areas² identified to be included within the MDRZ indicates that existing three-to-four-bedroom homes ranging between 80-160m² on sites up to 2000m² selling for between \$440-610k. As such I do not believe it to be representative of what the MDRZ could deliver in reality.
- (b) Scenario B identifies a mechanism where an applicant could, in theory, subvert the subdivision and land-use controls to enable development of more than three dwellings on a site as a permitted activity (following an approved subdivision consent). This has been used to reinforce a position where

² www.homes.co.nz, accessed 27 April 2021.

further design controls for permitted activities are justified. However, in my view the additional controls recommended by Mr Clease reduce design flexibility, the typologies that could be enabled through the MDRZ as well as potential yield. In my opinion, Mr Clease's concerns can be adequately addressed through the proposed development controls including subsequent amendments recommended through my rebuttal. For example, the inclusion of a 4m setback for upper floor balconies is likely to have a not insignificant impact on the delivery of a permitted 3-dwellings on smaller sites such that they are unlikely to realise the density benefits that could otherwise be achieved via a comprehensive land-use/subdivision consent enabled via 16A.3.1(RD1). In terms of the additional modelling provided in **Appendix 1**, this shows that:

- (i) Subdivision of the parent site into two smaller lots introduces additional "internal" building setback and daylight admission controls to a permitted development. This ensures a greater degree of building separation at both ground and upper floor levels than could theoretically be achieved under a comprehensive development scenario;
- (ii) The inclusion of a 4m balcony setback at upper levels, combined with the minimum dimension requirements for balconies effectively introduces an additional building setback at upper floors of at least 4.5m in places;
- (iii) Model 1 shows that the inclusion of additional internal building setback, daylight admission and balcony setbacks on smaller sites makes the delivery of a viable second storey with building bulk pushed as close to one boundary as possible challenging without extensive and potentially expensive cantilevered building forms; and

- (iv) In light of the additional development controls, Model 2 shows that the delivery of ground floor outdoor living courts on smaller sites becomes a more efficient option (e.g. simplified building form) in delivering more intensive residential development. To achieve a more efficient building form, Model 2 has reduced vehicle access/ manoeuvring space to the minimum extent possible. This would also naturally necessitate the delivery of a principle living area at ground floor to the extent that this was sought by Mr Clease.
- (c) Scenario C presents two variations of a scheme enabling between five and eight terraced houses with either a double or single garage. This scenario is used to identify issues with the proposed MDRZ which Ms Clease considers require further control. In my opinion, Scenario C does not provide a useful benchmark against the proposed provisions as such an outcome could already be prevented through consideration of the matters of discretion proposed by Kāinga Ora in conjunction with the objectives and policies of the MDRZ consistent with my opinions expressed in paragraphs 2.2 and 2.3 above. Specifically:
- (iii) The relationship of the development with adjoining streets or public open spaces;
 - (iv) Privacy and overlooking within the development and on adjoining sites, including the orientation of habitable rooms and outdoor living spaces;
 - (vi) Where on-site car parking is provided, the design and location of car parking (including garaging) as viewed from streets or public open spaces.

Matters of Discretion

- 2.5 In paragraph 119 of the s42a report, Mr Clease agrees with the matters of discretion put forward by put forward by Kāinga Ora. I note that these were, in part, informed by discussions with Mr Clease subsequent to the conclusion of the hearings for Topic 10. He does note that the proposed provisions would benefit from three additional

matters relating to outdoor living courts, landscaping and waste storage/ clothes drying. I address these matters further below.

Sunlight

- 2.6 Paragraph 119 discusses the requirement for placement of outdoor living courts to ensure they receive a reasonable level of sunlight. I agree with Mr Cleese that access to sunlight can be an important feature of outdoor living spaces (as well as internal living spaces). However, I believe this is just one relevant contextual factor (albeit an important one) that should influence the location of outdoor living courts. In my experience other relevant aspects including access to extended or panoramic views, orientation of the site (east-west vs north-south), presence of a busy transport corridor or boundaries with public open space are all important considerations into the placement and orientation of outdoor living context. An obvious example in the Waikato would be on a site immediately north of the Waikato River in Ngaruawahia where a south facing outdoor living court or balcony would provide the opportunity for an enduring, elevated outlook over the river. Accordingly, I would recommend the deletion of proposed matter (vi) and a revision to matter (ii) where the general configuration of buildings and outdoor living spaces can be considered in a holistic manner with reference to site specific characteristics:

“Design, scale and layout of buildings **and outdoor living courts** in relation to the planned urban character of the zone.”

Landscaping and tree planting

- 2.7 Paragraph 120 identifies an additional matter in regard to landscaping and tree planting. It is proposed that landscaping is primarily enabled via a development control limiting impervious surfaces to no more than 70% of a site and to a lesser extent via a maximum building coverage control of 45%. For the avoidance of doubt, I agree that there would be a benefit in a specific reference to landscaping within the matters of discretion. Landscaping can be beneficial in supporting on-site amenity for residents and helping to tie in a development into existing streetscapes or adjacent public open spaces. A reference to landscaping would also allow for consideration of the role that hard

landscaping features can provide in creating attractive medium density developments. However, as proposed the wording creates an expectation of tree planting to be provided across any given site. In my experience tree planting can have the potential to compromise the usability and functionality of the smaller outdoor living spaces that are anticipated within a medium density environment and can often come down to a matter of personal preference in how these spaces may be used. The necessity of tree planting would be best considered as part of an overall landscaping approach and in my opinion does not require specific reference. Accordingly, I would recommend the deletion of proposed matter (vii) and the following revision to matter (iii):

“The relationship of the development with adjoining streets or public open spaces, **including the provision of landscaping.**”

Service spaces including waste and recycling

- 2.8 Paragraph 121 identifies an additional matter in regard to the location and size of service spaces for recycling bins and washing lines. I generally concur with Mr Cleese’s assessment on this issue and note from my experience that the accommodation of storage space for waste and recycling as well as its collection can be a critical matter in the overall design and layout of more intensive housing schemes. In addition, if inappropriately designed or located can have an adverse impact on the public realm. However, I disagree with the need for any reference to spaces for clothes drying. There are a range of options available for clothes which don’t require an external washing line (for example dryers or a laundromat). In my opinion, this matter is best left to developers or residents who can utilise whatever clothes drying option that best suits their intended market/ lifestyle needs. As such, I would recommend an amendment to Mr Cleese’s proposed matter (viii) to read:

“The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets and public open spaces.”

Development Controls

- 2.9 Paragraphs 122 to 132 of Mr Clease's s42a report set out the rationale for the inclusion of an additional control relating to the extent of ground floor garaging as well as amendments to the proposed conditions relating to the provision of outdoor living courts (including balconies).

Balconies

- 2.10 Paragraph 132(a) identifies a solution to potential issues which could theoretically arise from balconies located at first floor level. Although I consider the risk of the balcony interface issue to be low based on development feasibility and attractiveness of the resulting product to the market, I generally concur with the rationale and proposed amendments put forward by Mr Clease regarding the set-back of balconies at upper floors. In my experience, such an outcome is what you would readily expect to be developed for more intensive housing typologies should those arise. I would note that there may be unintended consequences of the current wording proposed by Mr Clease. The current wording would effectively be capturing all balconies which is not a defined term within the plan, even those which may only nominally be elevated above ground level due to on-site topographical features or as a result of other constraints (e.g. flooding) where a higher freeboard may result in an elevated ground floor level. To address this concern, I consider that 1.5m would be an appropriate threshold as this would likely capture instances where higher freeboard is provided or typologies which incorporate a "semi-basement" parking arrangement. As such, I would recommend an amendment to Mr Clease's proposed control (iv) to Rule 16A.3.9.1 (P1) to read (red indicates proposed changes by Mr Clease, green indicates my recommended changes):

(iv) Balconies, greater than 1.5m from ground level, shall be set back a minimum of 4m from ~~internal~~ every boundary ~~ies~~ other than a boundary to a road or public open space

Ground Floor Habitable Space/ Outdoor Living Courts

- 2.11 Paragraphs 132(b) and (c) makes recommendations around the requirements for ground floor outdoor living courts and ground floor habitable spaces. When read together, Mr Clease is effectively recommending that any typology, excluding an apartment located above ground level, must provide both a living area at ground floor and a ground floor outdoor living court.
- 2.12 It is my opinion that these recommend changes are impractical, reduce design flexibility to respond to site specific characteristics and undermine the proposed objectives and policies of the MDRZ as they relate to urban design matters. It is not clear how mandating specific a housing solution via development controls achieves “greater housing choice for the community in response to changing demographics and housing needs”, “enables a variety of housing typologies” or enables land near town centres to be “efficiently used for medium density residential living” (being the key policy directives for this zone). Overall, I consider the impact of these changes is likely to result in an overall reduction in development potential
- 2.13 I addressed the issue around the provision, size and location of outdoor living courts in Paragraph 5.8 of my evidence on Topic 9 in relation to the standards covering outdoor living courts:
- “In and around centres where higher density residential uses are envisioned, there is generally more proximate access to off-site amenities not limited to parks as identified in paragraph 5.7 above but also includes entertainment facilities, social facilities, as well as food and beverage outlets. Combined, these serve to reduce the requirement for on-site outdoor living areas and are an important ‘trade-off’ that distinguishes low-density suburban housing from more intensive housing in and around centres.”
- 2.14 Further to this, I note that there are a range of common contextual factors which would promote the use of garaging at ground floor level and/ or the need for upper-level outdoor living courts. For example, these may include:
- (a) On-site topographical constraints resulting in the need to tuck garaging in at a lower level to enable habitable spaces to

directly align with the ground level of neighbouring sites or streets;

- (b) The use of a semi-basement parking arrangement for low-rise apartment buildings;
- (c) A desire to locate living spaces (and outdoor living courts) to take advantage of prominent views/ outlook;
- (d) The utilisation of rear access / JOAL systems where vehicular access / garaging is concentrated away from the streetscape or other public open spaces;
- (e) A narrow site running perpendicular to the street where opportunities to provide for sufficient vehicular manoeuvring space in addition to outdoor living space is can only be facilitated by a (common) three storey terrace arrangement characterised by ground level garaging / utility and first and second floor living arrangements; or
- (f) General living preferences of future residents who may not value the maintenance requirements and costs that can be associated with outdoor living areas.

2.15 Accordingly, I consider that ground level garaging and the provision of outdoor living courts is best considered as part of a more holistic qualitative assessment. For the avoidance of doubt, I would recommend the deletion of the proposed Rule 16A.3.9 and the inclusion of a specific reference for an outdoor living court (whether at ground or upper floors) to be linked to the location of a principle living area rather than habitable room (which could include a bedroom) under Rule 16A.3.8 to retain flexibility to provide outdoor living courts in a manner that responds to market demands and the site context. This would result in a revision to conditions (iii) and (iv) of 16A.3.8 to read (red indicates proposed changes by Mr Cleese, green indicates my recommended changes):

(iii) Where the residential unit contains its principle living area an internal habitable space (excluding garages, bathrooms, laundries, and hall or stairways) on the ground floor, an outdoor living court

~~shall be provided and shall have~~ ~~When located on the ground floor,~~ ~~it has~~ a minimum area of 20m² and a minimum dimension of 4m in any direction; ~~and or~~

(iv) ~~Where the residential unit has its principle living area its internal habitable space (excluding garages, bathrooms, laundries, and hall or stairways)~~ wholly at first floor level or above, a balcony shall be provided and shall have ~~When located on a balcony of an above ground apartment or terraced house, it must have~~ a minimum area of 5m² for studio and one-bedroom dwellings, or 8m² for two or more bedroom dwellings and a minimum dimension of 1.5m.

Consequential Policy Changes

2.16 In addition to the changes recommended through Section 2 of this evidence, I consider that some additional consequential changes to proposed Policy 4.2A.8 are required to better reflect the intended amenity outcomes associated with yards and outdoor living courts:

4.2A.8 Policy – Streetscape, Yards and Outdoor Living Courts

a) ...

b) Require development to have sufficient side yard setbacks to provide for:

- (i) Landscaping and permeable surfaces;
- (ii) Privacy to adjoining sites;
- (iii) Sunlight and daylight; and
- ~~(iv) Useable and accessible outdoor living space; and~~
- (v) Driveways and accessways.

c) Require the provision of Outdoor Living Spaces that:

- (i) are attractive ~~and~~, functional and accessible;
- (ii) provides a reasonable standard of privacy for residents and to adjoining sites;

d) Enable flexibility and innovation in the provision of ~~such spaces outdoor living spaces~~ by recognising the varying means by which suitable ~~outdoor~~ spaces can be provided for a particular form of development including shared outdoor spaces, roof terraces or other communal outdoor living spaces.

2.17 On reflection, the previous wording of Policy 4.2A.8 conflated issues and outcomes between yards and outdoor living spaces. In my opinion the changes provide more clarity as to the specific function and outcomes sought be including development controls relating to yards and outdoor living courts. Additional reference to privacy has

also been included with respect to outdoor living courts in acknowledgement that this is often a key driver in the design and location of these spaces as part of a more intensive residential development.

3. SETTLEMENT ZONE EXTENT OVERVIEW

- 3.1 A review of the various s42a reports covering individual settlements across the District indicates that Council officers are broadly in agreement with the proposed spatial extent of the MDRZ as advocated by Kāinga Ora and refined through the spatial analysis I undertook and set out within my primary evidence.
- 3.2 There remain some areas where there remains misalignment between myself and Council officers with regard to the spatial extent. The majority of these instances are related to two issues which are common among more than one settlement, being:
- (a) Not rezoning land immediately adjacent to business zones where rezoning to business uses at an unspecified future date may be warranted; and
 - (b) The exclusion of schools.
- 3.3 Where relevant, these will be discussed in relation to specific settlements below.

4. TUAKAU

- 4.1 In paragraph 379 of the s42A report covering Tuakau, Ms Trenouth accepts Kāinga Ora's revised MDRZ extent with the exception of Tuakau Primary School.
- 4.2 This statement does not align with the subsequent recommended map which excludes the MDRZ across large portions of lots east of the Town Centre, in the block bounded by George, Elizabeth, Church and Edinburgh streets and west of Harrisville Road.
- 4.3 No specific analysis or discussion as to why these lots have been excluded is provided within the s42a report for Tuakau. As such, there

exclusion appears to be an error or oversight on behalf of the report author. As detailed within my primary evidence and the Zone Extent Methodology Report, these sites are considered suitable for the application of the MDRZ.

Tuakau Primary School

- 4.4 With regard to the exclusion of Tuakau Primary School and adjoining private lots, it is unclear from the text and accompanying maps whether the intention was to exclude the entire block of land bounded by Church Street, School Road and Buckland Road.
- 4.5 With regard to those private lots surrounding the school, due to the layout and extent of the school boundaries each lot could effectively be redeveloped consistent with an approach to a “corner lot” development. Corner lots typically offer a greater development potential through a lack of interface issues due to the presence of two or three road frontages as opposed to side or rear boundaries. The layout of school buildings and open spaces also offers potential for more expansive views / outlook and sunlight access which would support a very high level of on-site amenity and therefore ideally suited for more intensive housing typologies.
- 4.6 In terms of the school site itself, I am of the opinion that the extent of any residential zoning under the RMA should be blind to any existing uses which may currently preclude its intended objective – such as the presence of a school – which, as noted by Ms Trenouth, is enabled by way of designation. Zoning should identify the most appropriate uses of that land should the designation / associated infrastructure no longer be required. A relevant example in this instance would be a determination that there was land surplus to education requirements.

5. POKENO

- 5.1 In paragraphs 195 – 225 of the s42a report covering Pokeno, Mr Mead largely accepts Kāinga Ora’s revised MDRZ extent with the exception of Pokeno Primary School, some recently developed properties and residential sites south of the town centre. These

exceptions are discussed in the remainder of Section 5 of this evidence below.

Lots bound by Pokeno Road and Hitchen Road

- 5.2 As set out in Section 11 of my primary evidence, these sites fit the criteria within both the Zone Extent Methodology Report and Council's own Framework Report for suitably to be included within the MDRZ. The fact that these sites have only recently been subdivided and constructed should not be determinative of the extent of any more intensive residential zoning. In my opinion, zoning should provide an indication of what the site could be used for in the future in response to the site characteristics and changing context such as the establishment of regular commuter rail to Pokeno or a redevelopment of the site following natural disaster.

Pokeno School

- 5.3 I do not consider that any strong rationale for the exclusion of this site is provided in Paragraph 215 of Mr Mead's report – other than the fact that it is currently in use as a school. For the reasons identified within my primary evidence and paragraph 4.6 above, the site is well suited for the application of the MDRZ in the event parts of, or the entire site is deemed surplus to education requirements. Similarly neighbouring sites identified are also suitable for inclusion as set out in Section 11 of my primary evidence. I note that Paragraph 215 of Mr Mead's report also mentions that this land may be subject to flood hazards. A review of Council's Stage 2 natural hazards mapping identifies no flood hazards in the vicinity of Pokeno School.

Hillpark Drive

- 5.4 Mr Mead has sought to exclude three blocks of land in the vicinity of Hillpark Drive. The inclusion of these sites was, in part, due to the presence of the neighbourhood open space (providing enduring northern aspect / amenity) as well as it being located at the periphery of the identified 800m walking catchment from the town centre. As stated in paragraph 5.2 above, the fact that these sites have been

recently developed should not preclude their incorporation into the MDRZ.

Sites south of the Town Centre

- 5.5 These sites are recommended to be excluded on the chance that it may be logical at some point in the future that they be rezoned to enable expansion of the town centre and more intensive residential development may preclude this.³ No timeframe or commitment to undertake this process has been signalled.
- 5.6 As set out in Section 11 of my primary evidence, these sites meet the criteria for inclusion within the MDRZ. This proposal is also consistent with the Waikato 2070 strategy adopted by Council in early 2020.
- 5.7 As discussed in my primary evidence on Topic 9 (Business Zones), intensive residential uses are an integral component of vibrant and successful town centre environments. I also note that more intensive residential uses are anticipated within business zones as a permitted activity (subject to compliance with development controls). It is not clear why expansion of business zones within this location is required and, if so, why it was not considered as part of this full plan review. A cursory view of the existent business zoned land in Pokeno demonstrates a relatively low density of commercial development in existence with a number of vacant lots present.⁴ As such, opportunities for intensification of commercial activities remain. This would also have the benefit of helping to concentrate activity further within the existing town centre supporting vitality of this centre.

6. TE KAUWHATA

- 6.1 No specific zone extent has been identified for Te Kauwhata as part of Council's s42a report. As such, I am unable to provide any specific comment on Council's proposals at this stage noting that an agreed

³ Paragraph 202

⁴This appears to align with Council's s42a Framework Report: Supplementary Evidence prepared by Dr Mark Davey and dated 28 April 2021, refer paragraph 27.

position was to be developed as part of Council's rebuttal evidence for the panel to consider.

- 6.2 Paragraphs 329 – 331 identify some issues with Kāinga Ora's proposed MDRZ extent based on errors in the Council intramap system regarding the notified residential zone extent. I did not assist Kāinga Ora with its original submission but I understand that the original rezoning request for Te Kauwhata involved identifying any property proposed to be zoned residential (as identified in intramaps) either wholly or partly within a 400m radial catchment of the Business Town Centre Zone and seeking it be included within the new MDRZ.
- 6.3 As a result of this issue, I identified several properties across a number of settlements which I thought would be consistent with the rationale for inclusion in the MDRZ but were nevertheless excluded by the scope of Kāinga Ora's original submission. These additional sites identified only included sites already proposed to be zoned residential.

55 Te Kauwhata Road

- 6.4 As such, this methodology resulted in sites zoned Village or Countryside Living Zone that were in close proximity to the town centre being excluded from consideration for upzoning. As Ms Macartney has stated in Paragraph 331, this has created an "undesirable spot CLZ" at 55 Te Kauwhata Road. However, I note that this situation was already present in the notified version of the plan where the CLZ at 55 Te Kauwhata was surrounded wholly by the proposed residential zone.
- 6.5 Putting aside any potential issues of scope, from a practical design perspective I do not believe there would be any issue with including 55 Te Kauwhata Road within the MDRZ. I consider that there is sufficient clearance around the scheduled heritage items and trees that could enable more intensive forms of housing to be constructed without any adverse effects.

75 Te Kauwhata Road

- 6.6 With regard to the incorrectly identified reserve zoning at 75 Te Kauwhata Road as part of Kāinga Ora's original submission, I note the entirety of the site itself (approximately 350ha) is largely undeveloped and unconstrained. It offers a significant opportunity for a comprehensive, masterplanned greenfield development in close proximity to the town centre, schools and open space as well as a potential stop on the Auckland-Hamilton commuter rail service as advocated by Waikato District Council. In my opinion the site therefore warrants inclusion within the MDRZ (at least in part).
- 6.7 I note that the previously identified zone extent within both Kāinga Ora's original and revised versions as it relates to the site is now entirely arbitrary and does not align with either the Zone Extent Methodology Report or Council's own s42a Framework Report. As such, I consider it is necessary to reconsider the location of the south-western boundary of the MDRZ if the panel is minded to include it within the Plan.
- 6.8 The size of the site at 75 Te Kauwhata Road combined with its proximity to the town centre and the relative lack of notable constraints which may provide a rational and/ or defensible boundary appear unique within the context of the Waikato District. In light of the above, six options to inform a rational zone boundary have been considered (refer to **Appendix 2** for indicative zone extents as described below):
- (a) 400m radial walking catchment from the current town centre zone extent;
 - (b) 400m radial walking catchment from the potential Te Kauwhata Rail Station;
 - (c) Alignment with existing cadastral boundary;
 - (d) Alignment with the top of an existing ridgeline leading to the existing dwelling at the south-western portion of the site (this

broadly aligns with an 800m walking catchment from the potential Te Kauwhata Rail Station);

- (e) Alignment with the approximate extent of flat land/ indicative road at the bottom of the ridgeline running through the site; and
- (f) Alignment along a theoretical straight extension of Travers Road through to the rail corridor (this broadly aligns with the bottom of the ridgeline running through the site).

6.9 In my opinion, Option (e) would represent the most appropriate zone extent option. This option utilises an indicative road as the termination of the MDRZ which itself appears to be based on previous structure planning exercises undertaken for the Te Kauwhata West Living Zone. Whilst extending more than 400m from the town centre, as previously stated, this site provides a significant opportunity in the form of relatively flat, undeveloped land proximate to the town centre and potential rail station. This is also consistent with the approach undertaken for greenfield sites at Pokeno and endorsed by Council within its s42a report.

7. HUNTLY

7.1 The s42a report has largely adopted the revised MDRZ extent as proposed by Kāinga Ora. The exceptions being an extension in the vicinity of Dudley Avenue, the exclusion of Huntly Primary School and Harris Street Heritage Precinct, and realignment of the boundary to align with flooding overlay boundaries.

Dudley Avenue

7.2 In terms of the proposed expansion of the MDRZ to the properties east of Dudley Avenue, I support Council's rationale as stated in paragraphs 570 – 571.

Huntly Primary School

7.3 I note that no strong rationale for the exclusion of this site is provided in Paragraph 589 of Ms Campbell's report. For the reasons identified

within my primary evidence and paragraph 4.6 above, the site is well suited for the application of the MDRZ in the event parts of, or the entire site is deemed surplus to education requirements.

Harris Street Heritage Overlay

- 7.4 Paragraphs 576 – 581 set out considerations regarding the extent of the MDRZ with regard to the Huntly Heritage Precinct. The Precinct includes six scheduled heritage items (64 – 69) across a total of eight sites which requires the protection of the front façade of those buildings.
- 7.5 I understand from discussions with the Kāinga Ora team that the omission of the heritage precinct provisions was an editing error (it was included within the original submission). I understand that provisions the heritage precinct provisions included within the Plan as well as the specific rules covering scheduled heritage items will manage identified heritage values. As such, I remain of the opinion that these sites warrant inclusion within the MDRZ due to their proximity to the town centre, Huntly West centre and other supporting amenities including open spaces and schools.

High Flood Risk Area

- 7.6 As noted in my primary evidence and the Zone Methodology report, I consider that avoiding residential intensification in areas where there may be significant risk to life or property from natural hazards is an appropriate response. Where Council's natural hazards mapping indicated any given site was significantly constrained by a hazard (i.e. anticipated building forms could not be constructed without large intrusions in areas subject to high risk areas) it was subsequently discarded from consideration for upzoning.
- 7.7 Ms Campbell covers the impact of natural hazards (flooding) in Huntly West in paragraphs 582-587 and concludes that the MDRZ boundary should coincide with the High-Risk Flooding Overlay Boundary. I note that similar occurrences of High-Risk Flooding Areas overlaying Kāinga Ora's proposed MDRZ extent in Ngaruawahia have been identified. Nevertheless, a different approach of relying on the

provisions of the overlay seeking to control the intensity of development rather than via a zone.

- 7.8 As stated in the Zone Methodology Report and quoted in paragraph 584 of the s42a report:

“...the more stringent provisions of the relevant overlays will apply in any event, thus discouraging or managing potential intensification on those parts of the site subject to identified constraints.”

- 7.9 As such, I remain of the opinion that the use of overlays is an appropriate way to avoiding or managing any potential adverse effects associated with natural hazards on parts of the site.

- 7.10 In my experience from planning and designing residential schemes in areas identified as being subject to natural hazards, there are often engineering solutions available to enable safe levels of development to occur. This is likely to be possible primarily at the edges of flood overlay. In this instance, for example, earth working could likely achieve sufficiently high building platforms to provide clearance of the identified flood risk in places to enable more intensive forms of residential development.

8. RAGLAN

- 8.1 Section 6 of the s42a report for Raglan discusses the potential introduction of the MDRZ within Raglan. Key matters of consideration from an urban design perspective include the discussion around Raglan’s character and building height as well as the proposed spatial extent of the MDRZ.

Height

- 8.2 Paragraphs 203 to 206 of Ms Buckingham’s report discusses the potential inclusion of the MDRZ with relation to the proposed permitted height limits of 11m and general density of development. As a general comment I consider that the proposed MDRZ provisions, including an 11m height limit, are consistent with a “human scale” of development or other relevant values such as visual relationship between the township and the harbour. In urban design terms, “human scale” development generally refers to development up to

four to five storeys in height with a relatively fine grain pattern of development.⁵ At this level it is still possible to have a relationship with the street and to enable interaction between occupants and those on the street. Further, the nature of the underlying land form, the orientation of streets towards the harbour and extent of mature vegetation means that development up to three-storeys could in all likelihood be absorbed into the existing urban environment.

- 8.3 I note that Ms Buckingham sees merit in the introduction of the MDRZ within Raglan but that the 11m height limit is considered inappropriate. Paragraph 206 recommends that if the MDRZ is provided for within Raglan a lower height limit of 7.5m should apply. I have concerns that such an approach would fundamentally inhibit the development of more intensive residential typologies even to a height of two storeys. Consistent with my position presented in my primary evidence for Topic 10⁶, a height limit of 7.5m combined with the topographical characteristics of Raglan and adoption of a 'rolling height method' to determine height means the larger floor plates required for multi-unit development such as low-rise apartments and terraced housing would be difficult to accommodate.
- 8.4 Based on my experience with the design and consenting of medium density typologies I would recommend that the 11m height limit is retained to enable flexibility in the design process to support the development of more intensive typologies as envisioned within the zone. If the panel is minded to incorporate Raglan Special Character provisions⁷ these could sit apart from the MDRZ and be considered as part of the resource consent process. In that regard, the special character assessment should not be used to inform the extent of the MDRZ. If the lower height limit as recommended by Ms Buckingham is adopted (which I do not support), I would advocate for the application of an "average height method" for calculating building

⁵ Gehl, J. 1987 *Life Between Buildings: Using Public Spaces*

⁶ Paragraphs 3.7-3.13.

⁷ Presumably via a defined precinct or overlay approach although this is not clear based on Council's recommendations. I do not comment further on the appropriateness of the proposed provisions from an urban design perspective.

height (subject to the total building height being no greater than 2m above the maximum height if measured using a rolling height method). Both the rolling height and average height methods are enabled under the Auckland Unitary Plan. In my experience, more intensive residential typologies typically need to utilise an average height method to account for topographical constraints. The difference between each method is shown in the diagrams provided in **Appendix 3** to this evidence.

Sites immediately bordering town centre

- 8.5 As set out in Section 13 of my primary evidence and paragraph 5.7 of this rebuttal evidence, these sites meet the criteria for inclusion within the MDRZ.
- 8.6 As discussed in my primary evidence on Topic 9 (Business Zones), intensive residential uses are an integral component of vibrant and successful town centre environments. I also note that more intensive residential uses are anticipated within business zones as a permitted activity (subject to compliance with development controls).

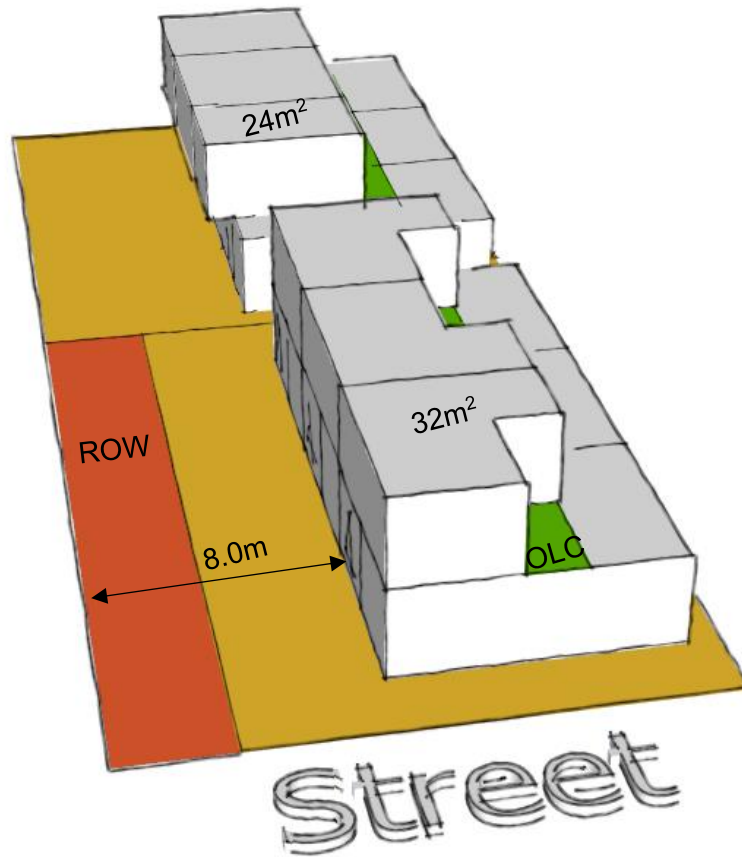
9. CONCLUSION

- 9.1 In conclusion, I have undertaken an analysis of the relevant s42a reports prepared by Council covering Topic 25. As an overarching comment there is general alignment between Council's experts and myself and the spatial extent of the MDRZ and its associated provisions. I reaffirm the position given in my primary evidence that the spatial extent of the MDRZ as proposed was appropriate and gave effect to the overarching policy framework and good urban design principles.
- 9.2 The analysis of the s42a reports has resulted in further refinements to the MDRZ provisions as set out throughout the body of my evidence and set out in full in the revised provisions attached to the evidence of Mr Stickney. I consider that these appropriately address some valid concerns raised by Council officers with particular attention on on-site and off-site amenity consideration without undermining the fundamental premise of the MDRZ which seeks to

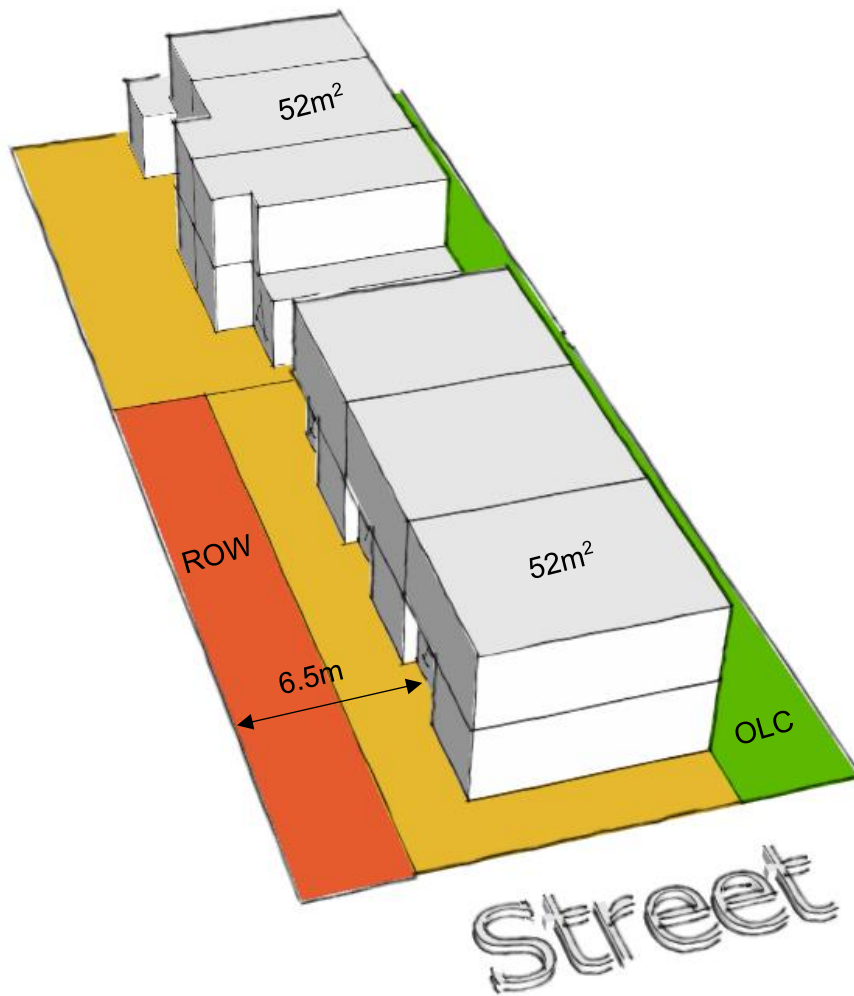
provide increase housing choice and variety throughout the Waikato District's main urban settlements.

Cameron Wallace

3 May 2021

Appendix 1: Additional 3d Modelling Tests

Model 1: Permitted development following subdivision of the parent site utilising upper-level outdoor living court with 4m boundary setback. The upper-level setback combined with new internal daylight admission controls severely restricts the ability to develop a viable second storey under this scenario.



Model 2: Permitted development following subdivision of the parent site utilising a ground level outdoor living court arrangement. Sufficient space can be provided on wider sites enabling a 4m set back in line with the outdoor living space dimension requirements.

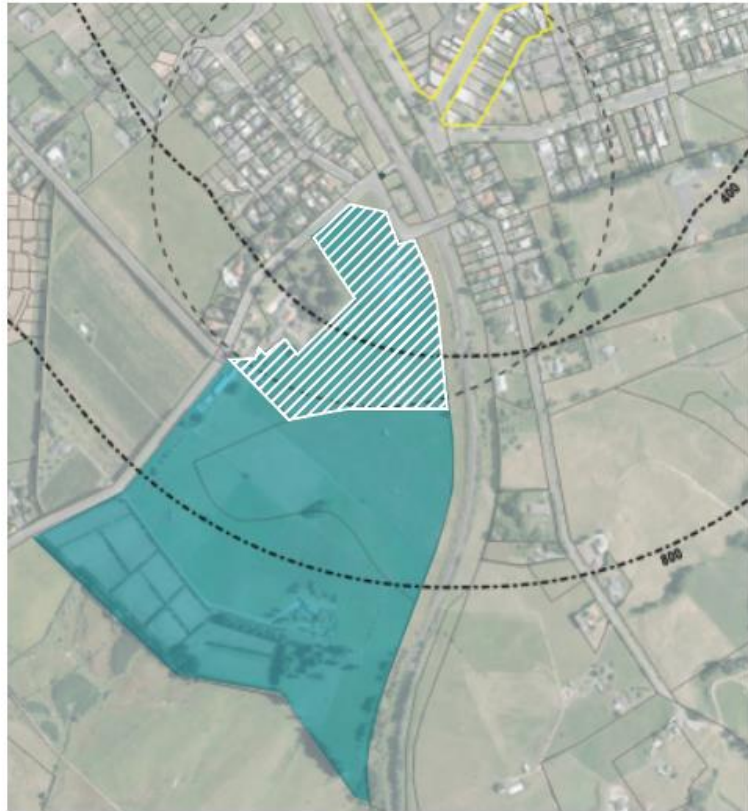
Appendix 2: Revised Te Kauwhata MDRZ zone extent



Option a



Option B



Option C



Option D



Option E



Option F

Appendix 3: Rolling Height vs Average Height Methods

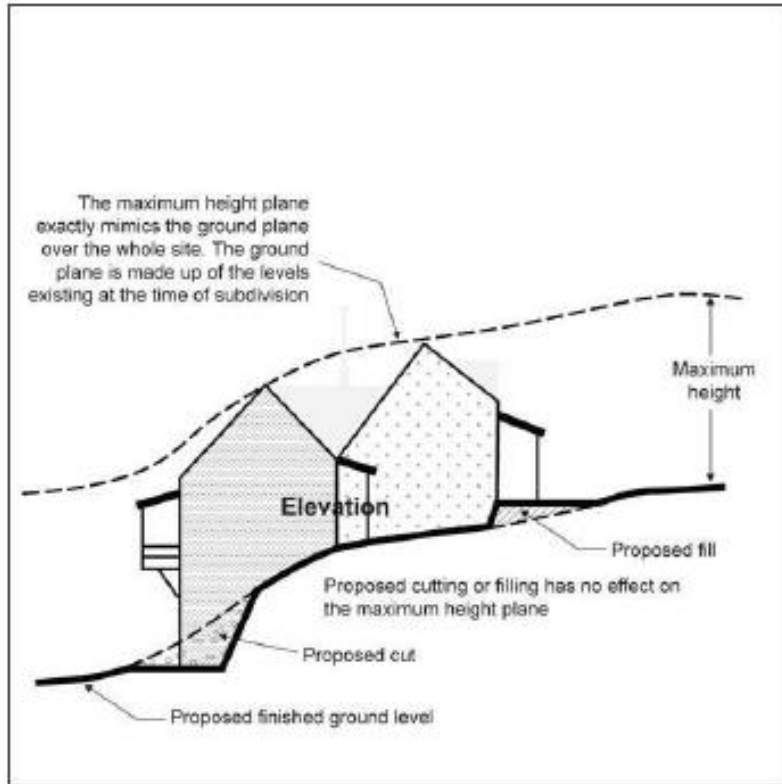


Figure J1.4.3 Height - average ground level method

